

CANADA

TREATY SERIES, 1942

No. 14

EXCHANGE OF NOTES

(September 30, 1942)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

RESPECTING

MILITARY SERVICE OF UNITED STATES
CITIZENS RESIDING IN CANADA

IN FORCE SEPTEMBER 30, 1942



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CANADA

TREATY SERIES, 1942
No. 14

EXCHANGE OF NOTES
(September 30, 1942)
SUMMARY

- I. Note, dated September 30, 1942, from the Canadian Minister to the United States, to the Secretary of State of the United States of America
- II. Note, dated September 30, 1942, from the Secretary of State of the United States, to the Canadian Minister to the United States.....

PAGE

THE UNITED STATES OF AMERICA

RESPECTING

MILITARY SERVICE OF UNITED STATES
CITIZENS RESIDING IN CANADA

IN FORCE SEPTEMBER 30, 1942



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WASHINGTON, D. C.

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EXCHANGE OF NOTES (SEPTEMBER 30, 1942) BETWEEN CANADA
AND THE UNITED STATES OF AMERICA RESPECTING THE
IMPOSITION BY CANADA OF LIABILITY TO COMPULSORY
MILITARY SERVICE ON UNITED STATES CITIZENS RESIDING
IN CANADA.

I

*The Canadian Minister to the United States
to the Secretary of State of the United States*

CANADIAN LEGATION

WASHINGTON, September 30, 1942.

No. 638

SIR:

I have the honour to refer to your note of April 8, 1942, in reply to my note No. 222 of April 6 concerning the application of the United States Selective Training and Service Act of 1940, as amended, to Canadian nationals residing in the United States, and stating that the Government of the United States assures the Government of Canada full reciprocity with respect to the regime outlined in your note of March 30 under which Canadian nationals in the United States who have not declared their intention of becoming United States citizens may elect to serve in the naval, military or air forces of Canada in lieu of service in the armed forces of the United States.* In your note you further state that the Government of the United States agrees to the understandings, limitations and assumptions set forth in numbered paragraphs 4 to 9 inclusive of my note.

2. One of these understandings is that the Government of the United States is agreeable to the Canadian Government imposing a liability to compulsory military service on United States citizens residing in Canada. A second understanding is that while non-declarant United States citizens in Canada will, prior to their induction into the naval, military or air forces of Canada be granted an opportunity of electing to serve in the armed forces of the United States, this opportunity will not be granted to declarant United States citizens in Canada.

3. In accordance with these understandings the Canadian Government has recently imposed on United States citizens residing in Canada a liability to compulsory military service identical with that imposed on British subjects ordinarily resident in Canada, and the Canadian Government now desires to initiate a procedure satisfactory to the Government of the United States under which United States citizens in Canada who have not declared their intention of applying for naturalization in Canada may elect to serve in the armed forces of the United States, in lieu of service in the armed forces of Canada, at any time prior to enrolment in the Canadian Army.

* For the text of these Notes of April 6 and 8, 1942, see *Canada Treaty Series* 1942, No. 7.

4. The following proposals are made by the Canadian Government:

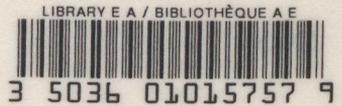
- (a) Individuals who elect for service with the armed forces of the United States will be physically examined by the Canadian Army. The results of the examination will be forwarded to the proper authorities of the United States. On receipt from these authorities of notification that an individual is acceptable the competent Canadian authority will send the individual to a designated reception point for induction into the armed forces of the United States. If, on arrival at the reception point, the individual is found to be not acceptable to the armed forces of the United States, he shall be liable to be enrolled immediately in the Canadian Army.
- (b) In order that non-declarant United States citizens in Canada may be informed of the conditions of service in the armed forces of the United States, the Canadian Government suggests that the United States authorities give the Canadian authorities copies of a pamphlet setting forth the conditions of service so that the pamphlets may be made available to non-declarant United States citizens who are called up for military service by Canada.
- (c) United States citizens in Canada who elect to serve in the armed forces of the United States and are accepted by one of those forces and who return to Canada for permanent residence within six months after the termination of their service with the United States armed forces will not lose any rights they may have previously acquired under the Immigration and Naturalization Acts of Canada.

5. Acceptance by the United States of these proposals will not be construed by the Canadian Government as imposing any obligation on the United States Government to return to Canada United States citizens who may be deemed to be defaulters under the National War Services (Recruits) Regulations of Canada.

6. If these proposals are acceptable to the Government of the United States, this note and your reply thereto accepting the proposals shall be regarded as placing on record the understanding arrived at between the two Governments concerning this matter. The practical details may then be arranged directly between the appropriate governmental agencies.

Accept, Sir, the renewed assurances of my highest consideration.

LEIGHTON McCARTHY.



II

*The Secretary of State of the United States
to the Canadian Minister to the United States*

DEPARTMENT OF STATE

WASHINGTON, September 30, 1942.

Sir:

I have the honor to acknowledge the receipt of your note No. 638 of September 30, 1942, proposing an arrangement under which American citizens residing in Canada, who have not declared their intention of applying for naturalization in Canada, and who may become subject to enrolment in the armed forces of Canada will, prior to such enrolment, be given an opportunity of electing to serve in the armed forces of the United States. You also state that acceptance of the proposals will not be construed by your Government as imposing any obligation on the Government of the United States to return to Canada any citizens of the United States who may be deemed to be defaulters under the National War Services (Recruits) Regulations of Canada. Your proposals made on the understanding that the United States Government is agreeable to the Canadian Government imposing a liability to compulsory military service on United States citizens residing in Canada, and that the opportunity of electing to serve in the armed forces of the United States will be granted only to American citizens residing in Canada who have not declared their intention of applying for naturalization in Canada.

I am pleased to inform you that the Government of the United States agrees to the Canadian Government imposing a liability to military service on United States citizens residing in Canada, and that the proposed arrangement as outlined in your note under acknowledgment is satisfactory to this Government.

Accept, Sir the renewed assurances of my highest consideration.

For the Secretary of State:

A. A. BERLE, JR.

